

RESOLUTION NO. ZR-2020- 009

RESOLUTION APPROVING ZONING APPLICATION SV-2019-01235  
CONTROL NO. 2019-00082  
SUBDIVISION VARIANCE (*STAND ALONE*)  
APPLICATION OF David and Sandra Getz  
BY Cotleur & Hearing, Inc., AGENT  
(GETZ SUBDIVISION)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 26, is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application SV-2019-01235 was presented to the Zoning Commission at a public hearing conducted on June 4, 2020;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Subdivision Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application SV-2019-01235, the application of David and Sandra Getz, by Cotleur & Hearing, Inc., Agent, for a Subdivision Variance to allow access from a 20-foot easement, on a parcel of land generally described as shown in the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 2, 2020, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Caliendo moved for the approval of the Resolution.

The motion was seconded by Commissioner Kern and, upon being put to a vote, the vote was as follows:

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
John Kern	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Absent
Jess Sowards	- Yes

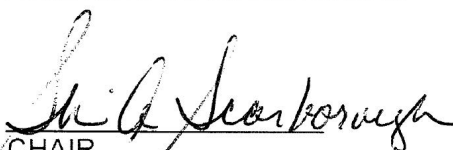
The Chair thereupon declared the resolution was duly passed and adopted on June 4, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on June 23, 2020.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
CHAIR

## EXHIBIT A

### LEGAL DESCRIPTION

FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PROCEED DUE WEST, ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1507.89 FEET; THENCE N 01°09'00" E, A DISTANCE OF 30 FEET TO THE NORTH LINE OF CENTER STREET AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°02'00" EAST, A DISTANCE OF 170.62 FEET; THENCE NORTH 18°30'10" WEST, A DISTANCE OF 207.45 FEET; THENCE NORTH 89°18'00" WEST, A DISTANCE OF 96.19 FEET; THENCE DUE SOUTH A DISTANCE OF 368.48 FEET, MORE OR LESS, TO SAID NORTH LINE OF CENTER STREET; THENCE DUE EAST, ALONG SAID NORTH LINE OF CENTER STREET, A DISTANCE OF 158.94 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF LAND IN GOVERNMENT LOT 6, SECTION 35, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SECTION 35 PROCEED ON AN ASSUMED BEARING BASE FOR ALL BEARINGS IN THIS DESCRIPTION OF DUE WEST 1,682.62 FEET; THENCE NORTH 30 FEET TO THE POINT OF BEGINNING; THENCE DUE NORTH 368.68 FEET; THENCE SOUTH 89° 18' 00" EAST 16 FEET; THENCE DUE SOUTH 368.48 FEET; THENCE DUE WEST 16 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

CONTAINING 58,726 SQUARE FEET, OR 1.348 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

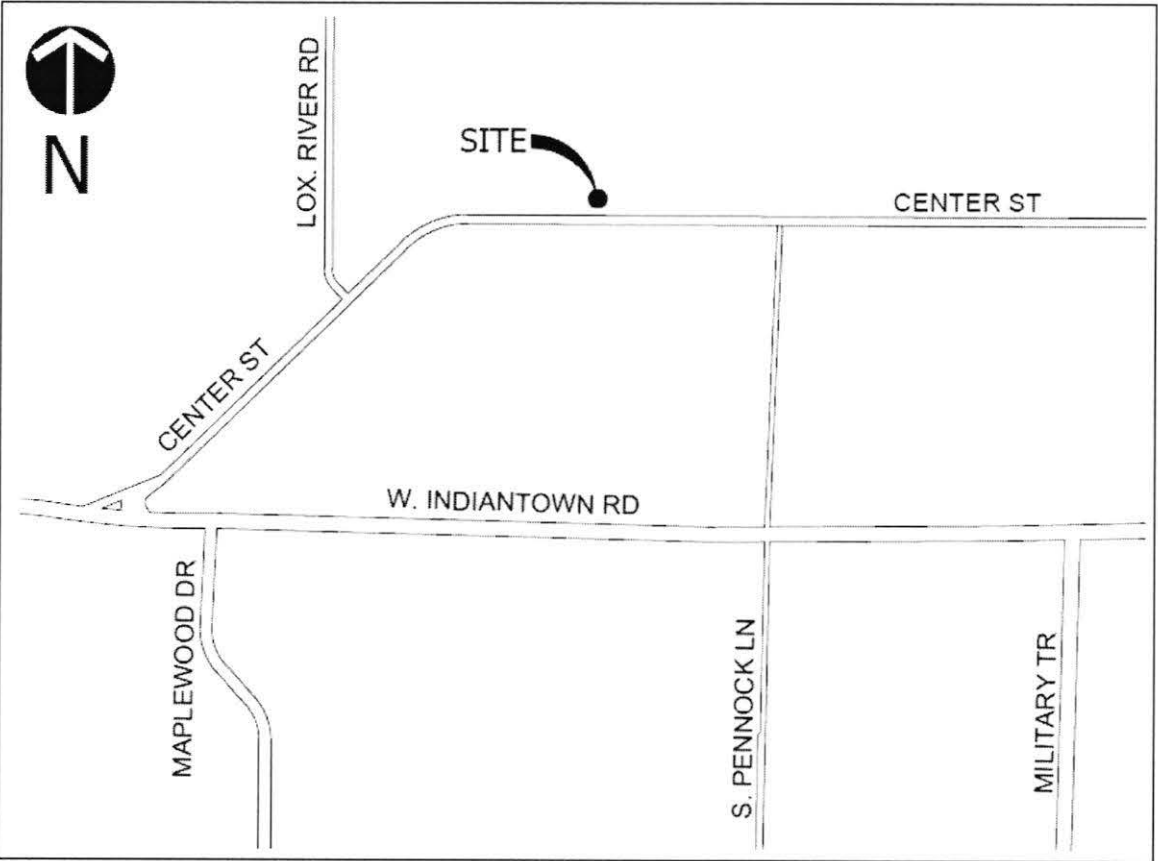


EXHIBIT C  
CONDITIONS OF APPROVAL

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D  
REQUEST

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	40-foot residential access street	Lot accessing a 20- foot easement through existing driveway	20-feet in width and access to easement instead of residential access street

SITUS ADDRESS:	5301 Center St Jupiter, FL 33458		
OWNER NAME & ADDRESS:	David Getz 5301 Center St Jupiter, FL 33458-4064		
PCN:	00-42-40-35-00-006-0050		
ZONING DISTRICT:	RS		
BCC DISTRICT:	01		
PROJECT MANAGER:	Joanne Keller, Director, Land Development		
LAND USE:	LR-1	S/T/R: 35-40-42	
CONTROL #:	2019-00082		
LOT AREA:	1.35 acres +/-		
APPLICANT REQUEST:	to allow an existing 20 foot easement to serve as legal access.		